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PATENT  
674523-2005.2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Kingsman *et al.*  
Serial No. : 10/661,761  
For : RETROVIRAL VECTORS  
Filed : September 11, 2003  
Examiner : Dave T. Nguyen  
Art Unit : 1632

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(Name of Applicant, Assignee or Registered Representative)

*Thomas J. Kowalski*  
Signature

June 21, 2004

Date of Signature

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Prior to examination kindly consider the following remarks. The Examiner is thanked for courtesies extended during the interview of June 3, 2004, during which the pending claims were discussed.

Claims 20-62 are pending in this application, and were added by a Preliminary Amendment filed with the application on September 11, 2004 ("the Preliminary Amendment"). Support for the added claims can be found throughout the specification. In particular, Applicants wish to emphasize that the claim language is taken directly from the issued claims in the parent of the current application, U.S. Patent No. 6,669,936 ("the '936 patent"). For example, claim 1 of '936 patent is:

***An infection and transduction competent, lentivirus-based retroviral vector particle comprising a genome, gag, pol, and envelope protein, and optionally one or more RRE-type sequences, wherein the particle lacks all functional lentiviral auxiliary gene products.***

Claim 20 of the instant application is the only independent claim pending, and is:

***An infection and transduction competent, lentivirus-based retroviral vector particle comprising a genome, gag, pol, and envelope protein, wherein the particle lacks a functional lentiviral tat gene product.***

The differences between claim 20 of the current application and claim 1 of the '936 patent are underlined above. Namely, the optional RRE-type sequence is not recited in claim 20, and the particle of claim 20 lacks a functional *tat* gene product, rather than all functional auxiliary gene products, as claimed in the parent. Support for lack of a *tat* gene product can be found specifically in the paragraphs of the specification beginning on page 4, line 5, or on page 6, line 15. The results of experiments performed using a *tat* negative system begin on page 13, line 10, of the specification. It should be noted that the auxiliary gene products recited in claim 1 of the '936 patent include Tat, which is therefore necessarily lacking in the issued claim. Since there is support for removing all of the auxiliary gene products, there is certainly support for removing just one of them.

Pending claims 21-62 all depend, either directly or indirectly, from claim 20. These claims also copy the language directly from the issued claims of the '936 patent. The corresponding claim numbers are as follows:

Pending Claim	Issued Claim
21	2
22	3
23	4
24	5
25	6
26	7
27	8
28	9
29	10
30	12
31	13
32	14
33	15
34	16

Pending Claim	Issued Claim
35	17
36	18
37	19
38	20
39	21
40	23
41	24
42	25
43	26
44	27
45	28
46	29
47	32
48	35

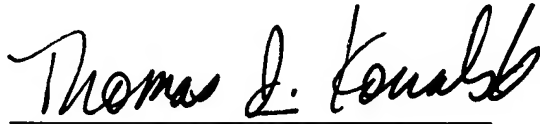
Pending Claim	Issued Claim
49	38
50	43
51	46
52	55
53	58
54	59
55	60
56	61
57	62
58	63
59	64
60	71
61	72
62	74

Applicants also wish to point out that, although this application was filed as a continuation-in-part of the parent, the disclosure is largely the same. In fact, the specification is exactly that which was filed in the two U.S. parent cases (the '936 patent and U.S. Patent No. 6,312,682) and in the international application (PCT/GB97/02857). The only difference in disclosure between the '936 patent and this application is the lineage and incorporation by reference of priority and cited documents that were added to the present application by the Preliminary Amendment. Therefore, all of the currently pending claims are entitled to the earliest priority date.

This application is believed to be in condition for allowance. Early and favorable consideration of the application on the merits are earnestly solicited. The Examiner is invited to contact Applicants' representative to expedite prosecution.

Respectfully submitted,

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